



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Collmer et al.)
Serial No. : 09/825,414)
Cnfrm. No. : 2043)
Filed : April 3, 2001)
For : DNA MOLECULES AND POLYPEPTIDES OF)
PSEUDOMONAS SYRINGAE HRP)
PATHOGENICITY ISLAND AND THEIR USES)

Examiner:
Anne R. Kubelik, Ph.D.

Art Unit:
1638

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RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

In response to the June 4, 2002, written restriction requirement, applicants hereby elect Group II (i.e., claims 7-9) with traverse. Applicants hereby traverse this restriction requirement on the basis that the claims of the present application are closely related and, therefore, require common areas of search and consideration. Since no benefit is derived from imposing this restriction requirement, it should be withdrawn in its entirety.


In addition, applicants hereby elect the protein of SEQ ID NO: 7 with traverse. Applicants hereby partially traverse the requirement to elect a single protein on the basis of the relatedness SEQ ID NOS: 7 and 66. The protein of SEQ ID NO: 66, designated HopPtoA2, is a homolog of the protein of SEQ ID NO: 7, designated HopPtoA. While the protein sequences are not identical, it is clear that the two proteins are closely related, as evidenced by their ~78 percent identity when aligned using the Align software on its default parameters (available at the GeneStream align Internet site, <http://xylian.igh.cnrs.fr>) (copy of alignment is attached). Because the two proteins are closely related, search and examination for HopPtoA (SEQ ID NO: 7) would significantly overlap with any search and examination for HopPtoA2 (SEQ ID NO: 66). Therefore, no benefit is derived from imposing restriction as between these two proteins.

Respectfully submitted,

Date: December 4, 2002


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Certificate of Mailing - 37 CFR 1.8(a) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office P.O. BOX 2327 Arlington, VA 22202, on the date below. Date <u>12/4/02</u>  Jane C. Wirszyka
